

# REMARKS

In the Office Action, the Examiner rejected the claims under 35 USC §102 and 35 USC §103. In addition, claim 48 has been rejected under 35 USC §112, since the instructions described in claim 47 are performed at the local server, while the instruction recited in claim 48 is performed at the central server. The claims have been amended to correct typographical errors and in response to the claim objections. Claims 21, 30 and 47-50 have been cancelled. Claims 1-20, 22-29, 31-46 and 51-78 remain pending. The specification has amended in accordance with the Examiner's suggestions. The rejections are fully traversed below.

Reconsideration of the application is respectfully requested based on the following remarks.

## **REJECTION OF CLAIMS UNDER 35 USC §102**

In the Office Action, the Examiner rejected claims 1-78 under 35 USC §102 as being anticipated by Kumar et al, U.S. Patent No. 6,514,083 ('Kumar' hereinafter). This rejection is fully traversed below.

With respect to various embodiments of the invention, as claimed in claim 1, the data flow from a server to a network device is interactively controlled by the network device such that the flow of audio-visual data from the server is modified. This is accomplished via a control command that is sent by the network device. In accordance with various embodiments of the invention, the data flow is transmitted by a central server to the network device via a local server and the control command is transmitted by the network device to the central server via the local server. A modified flow of data is then transmitted to the network device by the central server via the local server. In this manner, the data flow transmitted by the central server to the network device via the local server may be interactively controlled by the network device. In other embodiments, the data flow is transmitted by the local server and the control command is

transmitted by the network device to the local server (e.g., where a file has been obtained from the central server). The control command may cause the data flow to be modified, for example, by pausing or initiating the data flow.

Pending claims such as claim 1 enable data to be transmitted across two different servers, a central server and a local server. The central server is connected to the local server via a first network, while the local server is connected to network devices such as set-top boxes via a second network.

Kumar discloses method and apparatus for providing interactive karaoke entertainment. See title. The interactive karaoke system includes a camera producing a series of video frames including a karaoke performer, a karaoke processor system including a video environment and a related audio environment for the karaoke performer. The karaoke processor system is coupled to the camera to create extracted images of the karaoke performer from the series of video frames and to composite the extracted images. See abstract.

The karaoke entertainment systems are represented by systems 10A, 10B, 10C as shown in FIG. 5. The karaoke entertainment systems are described as “interactive.” See col. 6, lines 38-40. The local server 116 and the content server 118 may be connected on a continuous basis or an “on demand” basis, such as with dial-up modem access. See col. 7, lines 35-37. However, the requested content is downloaded to the requesting local PC (e.g., systems 10A, 10B, and 10C). See col. 7, lines 37-40. Downloading is not generally understood to be an interactive process. Thus, the only interactive communication is with the interactive entertainment system 10, not the local server 116 or the content server 118. In other words, each server 10a, 10b, 10c shown in FIG. 5 operates as a single PC that enables a user to interact with the PC.

Kumar fails to disclose the invention of the recited claims. The Examiner cites col. 2, lines 63-col. 3, line 16 and figure 5. Kumar states that “[t]he interactive karaoke entertainment

system is designed so that it can form a part of a larger network of karaoke entertainment systems. More particularly, a number of interactive karaoke entertainment systems are adapted to [be] coupled to a local area network (LAN) which is served by a local PC server. The local PC server can communicate with an Internet based content server to download content that is not locally available and to upload accounting information.” See col. 2, lines 63-col. 3, line 16. Thus, Kumar does disclose the downloading of data from the local server to the “interactive karaoke entertainment system.” As described above, the process of downloading data is not an interactive one. Thus, the interaction between the local server (or central server) and the karaoke entertainment systems is not an interactive one. The only “interaction” is between the user and the interactive karaoke entertainment system.

As set forth above, content is downloaded to the requesting local PC, which may then be provided to the user. Thus, Kumar fails to disclose “a method of interactively controlling from one of the plurality of network devices a flow of audio visual data from the central server to the network device” as recited in claim 1. Moreover, the flow of audio visual data from the central server to the network device is not modified interactively via a control command. More specifically, since Kumar teaches downloading data to a PC and interaction by the user only with the PC (i.e., interactive karaoke entertainment system), the user cannot interactively control data that is transmitted by the content server (or local server). Accordingly, claim 1 is patentable over the cited art.

The remaining independent claims and dependent claims are patentable for similar reasons. Accordingly, Applicant respectfully submits that Kumar fails to anticipate the pending claims.

## **REJECTION OF CLAIMS UNDER 35 USC §103**

In the Office Action, the Examiner rejected claims 75-78 under 35 USC §103 as being unpatentable over Kumar in view of Miller et al, U.S. Patent No. 5,930,247 ('Miller' hereinafter). This rejection is fully traversed below.

The Examiner seeks to cure the deficiencies of Kumar with Miller.

While Miller discloses the use of a WLAN, Miller fails to cure the deficiencies of the primary reference. As such, the combination of the cited references would fail to achieve the desired result. Moreover, the cited art teaches away from the claimed invention. Specifically, Kumar teaches downloading content to the karaoke system by a server. Downloading content is not an interactive process. As such, Kumar teaches away from interactively controlling data transmitted by either the local server or content server. Accordingly, Applicant respectfully submits that the pending claims are allowable over the cited art.

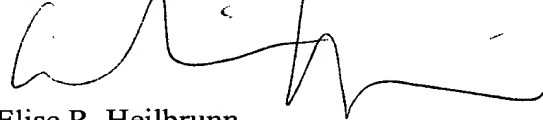
The dependent claims depend from one of the independent claims and are therefore patentable over the cited art for at least the same reasons. However, the dependent claims recite additional limitations that further distinguish them from the cited references. Hence, it is submitted that the dependent claims are patentable over the cited art. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from the cited art. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103(a).

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. NEV1P002).

Respectfully submitted,

BEYER, WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read 'Elise R. Heilbrunn', written over the firm name.

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